

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

At claim 79, line 12, the period has been removed from the end of the line.

At claim 79, line 15, a period has been added at the end of the claim.

At claim 90, line 12, the period has been removed from the end of the line.

At claim 90, line 14, a period has been added at the end of the claim.

At claim 97, line 12, the period has been removed from the end of the line.

At claim 97, line 15, a period has been added at the end of the claim.

The following is an examiner's statement of reasons for allowance:

As per independent claim 1, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular wherein the first seat is upstream of the second seat and the valve member in the second position engages the second seat and restricts the flow of hot and cold fluid.

As per independent claim 60, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular wherein the thermostat assembly

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includes a thermostat coupled to the valve member to move the valve member in response to changing temperature of mixed fluid, wherein upon failure of the thermostat, the valve member is biased to the second position.

The Examiner accepts Applicant's argument that Kline et al. does not constitute prior art in light of Applicant's claim of priority extending back to 24 August 2001.

As per independent claim 70, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular comprising a liner in the cavity, the liner providing a hot liner inlet to receive flow of hot fluid from the hot fluid inlet, wherein the liner includes a floor and the hot liner inlet is a slot formed in a side of the liner adjacent to the floor.

As per independent claim 79, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular comprising a liner in the cavity, the liner providing a hot liner inlet to receive flow of hot fluid from the hot fluid inlet, wherein the liner includes a floor and the hot liner inlet is a bore formed in the floor.

As per independent claim 90, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular wherein the valve member is a poppet that engages the first seat when the valve member is in the first position.

As per independent claim 97, the prior art (and in particular Bendall et al.) does not teach the mixing valve combination as recited, and in particular wherein the valve member is a poppet, the first seat borders a bore through which the hot fluid flows into the cavity, and the poppet engages an inwardly facing wall of the bore when the valve member is in the first position.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc E. Norman whose telephone number is 571-272-4812. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MN

/Marc E. Norman/
Primary Examiner, Art Unit 3744